

BALANCES ON BOOKS OF REGISTER OF THE TREASURY.

LETTER

FROM

THE COMPTROLLER OF THE TREASURY,

TRANSMITTING

A List of Balances standing on the books of the revenue which have remained unsettled by collectors of the customs, and which appear to have been due more than three years prior to 30th September, 1835.

APRIL 14, 1836.

Read, and laid on the table.

TREASURY DEPARTMENT,

Comptroller's Office, April 13, 1836.

SIR: In compliance with the provisions of the act of Congress, passed the 3d day of March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," and of the act passed the 3d of March, 1817, entitled "An act to provide for the prompt settlement of public accounts," I have the honor to transmit, herewith, a list received from the Register of the Treasury, of the balances standing on the books of the revenue, which have remained unsettled by collectors of the customs and others, or appear to have been due, more than three years prior to the 30th September, 1835.

I have the honor to be,

With great respect,

Your obedient servant,

JOHN LAUB,

Acting Comptroller.

HON. JAMES K. POLK,

Speaker of the House of Representatives.

Blair & Rives, printers.

LIST of Balances on the books of the revenue, which have remained unsettled, or appear to have been due from collectors of customs, &c. more than three years prior to the 30th September, 1835.

Collectors.	Districts.	Balances due.	Remarks made in Comptrol-ler's office.	Remarks made in the office of the Solicitor of the Treasury on the cases reported for suit.
Joseph F. Wingate	Bath	\$11,079 43	- - -	Suit ordered June 10, 1829, for \$15,245 86. Judgment against principal and sureties, June term, 1831, for \$11,181 68, and costs. Under this judgment, execution was levied upon land in Bath, appraised to the United States at \$4,216. The costs of levy being deducted, leaves \$1,154 30 paid on the execution. Balance of debt desperate. Principal and sureties all insolvent.
John P. Deccatur	Portsmouth	3,776 59	- - -	Suit ordered May 20, 1834, for \$3,776 59. Principal utterly insolvent. Judgment rendered against three of his sureties, in the district of New Hampshire, at October term, 1834, for \$3,800 25, with interest from the 8th October, 1834, till paid; bill of costs paid by defendants; proceedings suspended December 7, 1835, for a short period, at the request of the Hon. S. Cushman.
Asa Andrews	Ipswich	921 92	Written to on 6th November, 1835, and ordered to deposite the balance to credit of the Treasurer of the U. S. This not having been complied with, he has been reported for suit.	
William Pearce, jr.	Gloucester	1,107 82	Written to on the 6th November, 1835, and ordered to deposite this balance to the credit of the Treasurer of the U. S. This not having been done, he has been reported for suit.	
Benjamin Crowninshield	Marblehead	760 62	- - -	Suit ordered May 15, 1834, for \$760 62. Continued at Sept. 1835, on the affidavit of defendants.
John Scott, attorney	Oswegaatchie	300 00	As above.	
John Brewster	Perth Amboy	1,668 34	- - -	Suit ordered 15th Feb. 1831, against the principal and his

Robert Arnold	Perth Amboy	80,957 54	-	-	-
Lemuel Howell	Burlington	262 81	As above.	-	-
J. Brobson	Late marshal, Delaware.	514 45	-	-	-
John Fitzgerald	Alexandria	30,072 42	-	-	-
Charles Simms	Alexandria	17,151 46	-	-	-
Joseph Jones	Petersburg	8,324 49	-	-	-

sureties, for the recovery of \$1,668 34. Pending September term, 1832. Since then, no report has been received from district attorney.

A distress warrant was issued in this case, Oct. 27, 1829, for \$83,882 86; balance increased by a subsequent settlement in April, 1831, to \$89,157 54; which settlement embraced \$5,000 passed to Arnold's credit, being so much recovered by the marshal from the sale of Arnold's property. By subsequent settlements, it appears that the last mentioned balance of \$89,157 54 was reduced in November, 1835, to the sum of \$80,957 54. Something more may be recovered in this case, but how much is uncertain. Marshal's report "nulla bona."

Suit ordered in December, 1832, on two different accounts as late marshal, one for \$1,070 24, the other for \$514 45, together making \$1,584 69. By a subsequent settlement in June, 1833, the balance for \$1,070 24 was reduced to \$425 09, which added to the balance of \$514 45, makes \$939 54 still due from him to the United States, for which amount suit is now pending.

Suit ordered 29th April, 1801, for \$57,157 06. Balance reduced by subsequent settlements to \$29,946 07. Penalty of bond, \$10,000 paid by his sureties. Some further payments expected from the sale of lands in Ohio, the property of the late Col. John Fitzgerald, by Thomas Swann and Humphrey Peake, commissioners, under the authority of a decree of the circuit court of Alexandria.

Judgment, in 1825, against the administrator of Simms, the principal, for \$17,118, and costs to be paid when assets should come into his hands. His surety, John T. Rickels, died insolvent. Suit in chancery against the representatives of the late Charles Simms, respecting lands in Ohio. The district attorney advises, by letter, dated January 29, 1835, that the whole of the chancery business was put over to the next term of the court, when he would attend, and if possible, get a decree for the sale of said lands.

Suit ordered October 12, 1826, for \$22,165 73. Judgment at May term, 1827, against Thomas Jones, executor, for the above sum, with interest from the 25th May, 1826, until paid. Judgment at the same term against the sureties for penalty of bond \$20,000. Balance reduced by subse-

LIST—Continued.

Collectors.	Districts.	Balances due.	Remarks made in Comptroller's office.	Remarks made in the Office of the Solicitor of the Treasury on the cases reported for suit.
James Robertson	Petersburg	\$15,885 35	- - -	quent settlements, up to September, 1835, to \$8,324 49. The balance now due is considered perfectly safe. Distress warrant issued in this case, March 24, 1830, for \$24,857 57; made by marshal on sale of the property of the principal, after deducting costs, \$1,126 01, which sum was deposited to the credit of the Treasurer, August 11, 1830. Nothing more expected from the principal. John T. Robertson, one of the sureties in this case, has satisfactorily secured the payment of \$5,000 to the United States, to be paid in 10 instalments of \$500 each. The first five instalments have been paid. The other sureties are reported to be insolvent. Balance reduced in November, 1835, to \$15,885 35.
Charles K. Mallory	Norfolk	3,649 66	- - -	Judgment, May term, 1824, against the administrator for \$10,113 34, with interest from the 1st June, 1820, until paid. Balance reduced by subsequent settlements to \$3,649 66. The district attorney advises by letter dated 1st August, 1834, that he has filed a bill in chancery to recover the balance due in this case. Suit in chancery continued November term, 1834. No report since from district attorney.
Enoch Sawyer	Camden	8,081 46	- - -	Suit ordered, September 1, 1828, for \$25,335 45. Balance reduced in September, 1830, to \$12,378 11. Judgment at November term, 1830, against John McMorine, executor of Sawyer, for \$12,378 11, with interest from the 8th September, 1828, till paid. Balance reduced by subsequent settlements up to November, 1832, to \$8,081 46. Deposited by district attorney, August 14, 1833, \$11,313 75. Due to the United States on last adjustment, dated 11th December, 1835, \$285 98. Paid since then \$198 58.
Asa Rogerson	Camden	31,321 05	- - -	A distress warrant was issued against the principal and sureties in this case December 14, 1829, for the recovery of \$32,791 09. The sum of \$398 34 was deposited by the marshal in August, 1830, to the credit of the Treasurer

Robert Cochran	Wilmington	109,232 49	-	-	-	-
Archibald S. Bullock	Savannah	43,506 40	-	-	-	-
Christopher Hillary	Sunbury	7 59	-	-	-	-
Andrew Erwin	Tennessee	59,397 28	-	-	-	-

of the United States, being the proceeds of the sale of some property belonging to the sureties. Asa Rogerson, the principal, having absconded from North Carolina, another distress warrant was issued against him, and transmitted, on the 22d September, 1831, to the marshal of West Tennessee. The marshal of that district was advised by letter, in December, 1832, that Rogerson died in New Orleans, and that there was no property to be found in his district whereon to levy. On the 1st day of June, 1833, the sum of \$1,421 55 was deposited by the district attorney, being the result of several suits in chancery, &c. Balance reduced to \$31,321 05. The several chancery suits have been compromised upon payment of costs by the defendants.

Suit ordered September 10, 1821, for \$143,922 68. Judgment May term, 1823, for \$145,361 90. Balance reduced by subsequent settlements up to July, 1835, to \$109,232 49. The district attorney advises that a decree of court at November term, 1828, against William Watts Jones, trustee of Cochran, for \$9,725 05, with interest from 7th February, 1825, till paid. Balance of claim desperate. On the 16th June, 1835, the district attorney was authorized, upon Mr. Jones assigning to him good notes to the amount of \$10,000 perfectly secured, as proposed by him, and paying the costs, to suspend the proceedings against him for one or two years for payment of the balance.

Suit ordered July 16, 1827, for the recovery of \$33,680 29. The district judge refused to take cognizance in this case. A copy of the decree was forwarded, June 6, 1829, by the district attorney of Georgia, to the Attorney General of the United States. The petition for a rehearing of this cause was dismissed June 4, 1829, by order of Judge Cuyler. Copy of proceedings certified by clerk of court December 19, 1832. The district attorney, in his report for 1830, represents Mr. Bullock as insolvent.

Suit ordered September 29, 1823, for \$7 59. No suit ever brought. See attorney's report, 1830.

Suit ordered March 17, 1829. Judgment October term, 1830, for \$92,635. Execution issued October 30, 1830. In the marshal's report for November, 1830, he remarks as follows: "Reputed insolvent."

LIST—Continued.

Collectors.	Districts.	Balances due.	Remarks made in Comptrol-ler's office.	Remarks made in the office of the Solicitor of the Treasury, on the cases reported for suit.
Andrew and Jas. Erwin	Tennessee and Georgia	\$2,873 07	- - - -	This case is involved with the preceding one. The district attorney advised by letter dated 30th January, 1834, that he had dismissed the suit brought against James Erwin in the circuit court, and commenced one in equity, where, he says, he has not the least doubt of success.
Peter F. Dubourg	New Orleans	36,911 88	- - - -	Judgment at February term, 1831, against the heirs of Dubourg, for \$36,911 88, with interest from 20th October, 1818, till paid. They have taken an appeal to the Supreme Court of the United States. The judgment against the heirs reversed in the Supreme Court at January term, 1833, and the cause remanded to the United States district court at New Orleans for further proceedings.
Peter and B. Duplessis	New Orleans	13,739 92	- - - -	Suit ordered April 6, 1819, for \$22,194 05. Balance reduced by subsequent settlements to \$19,904 74. Principal dead: estate insolvent. Verdict December term, 1832, against the heirs for \$12,158 38, without interest. Verdict at the same term against the heirs and sureties for the same amount, say \$12,158 38, without interest. The heirs of Duplessis have no assets. The sureties are solvent. Paid on account of judgment 27th March, 1833, \$6,164 87. Balance of judgment secured, payable in one, two, and three years, from March, 25, 1834.
Beverly Chew	New Orleans, customs Official emoluments	4,948 85 9,828 29	He was requested to deposite the balances to credit of the Treasurer of U. S. This not having been complied with, he has been reported for suit. He claims further credits.	
Joseph Aborn	Teche	3,012 38	Claims further credits yet to be acted on.	
James McConnell	Kentucky	758 69	- - - -	Suit ordered May 20, 1807, for \$1,232 19. Balance reduced in March, 1811, to \$758 69. The district attorney, in his general report for 1829, remarks as follows, viz: "Judg-

Algernon S. Thruston	Key West	-	-	2,822 14	-	-	-	-
David Gelston	New York	-	-	44,818 61	The executor claims further credits, and applied to Congress for relief. He has been requested to deposite balance to credit of Treasurer of U. S.			
James Manney	Beaufort	-	-	776 12				
William Gamble	Michilimackinac	-	-	1,024 59	-	-	-	-

ment has been obtained for \$1,232 19. Credited by the four quarters' salary for the year 1802, \$47. He obtained an injunction for \$950 in 1810. May term, 1811, satisfaction entered of record by order of Treasury Department, except as to \$758 69. As to the residue, it is supposed Congress interfered; this does not appear of record, however." Execution bearing date the 21st September, 1820, was quashed by order of court dated 8th November, 1820. Suit ordered October 16, 1834. The district attorney advises by letter dated November 28, 1835, that a suit has been commenced against James Webb, one of the sureties of Mr. Thruston, and that he is the only obligor residing at Key West.

Judgment at November term, 1830, against James Manney, the principal, for \$7,188 73, with interest on \$6,862 95, from Nov. 12, 1830, till paid. Balance reduced by subsequent settlements up to Nov. 1835, to \$776 12, exclusive of interest. Indulgence granted for the payment of the last mentioned balance and interest, until 1st of April, 1836. Suit ordered April 22, 1836, for the recovery of \$1,024 59. Judgment against the principal at May term, 1828, for \$1,024 59 and costs. Died utterly insolvent. No administration. Sureties not found.

